

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division -Yeleswaram Mandal, Marreveedu Village, - Land acquired under Award No.3/88,dated.20.4.1988 for YRP - Land value enhanced in O.P.No.49/94 - Appeal filed in A.S.No.1007/97 - Dismissed - Sanction of entire / final decretal charges - Orders - Issued.

---

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

**G.O.Rt.No. 625**

**Date:19 .8.2009**

Read the following

1. From the Collector & District Magistrate, East Godavari District, Lr.No. G1/2866/2002,dated. 2.3.2009.
2. From the Chief Commissioner of Land A,A.P, Hyderabad, Letter No.SPR3/1734/ 2002, dated.25.5.2009.

@@@

**ORDER:-**

In the references read above, it has been reported that an extent of Ac.86.24 cts of G.Wet/ G.Dry lands in S.No.135/1 etc., situated in Marriveedu village of Yeleswaram Mandal, were acquired under Award No. 3/88 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 20.4.88 duly fixing the land value @ Rs.16,000/- and Rs.3000/- per acre in two categories. At the request of the aggrieved land owner covered with an extent of Ac.9.29 cts, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Senior Civil Judge court, Pithapuram considering the reference pronounced decree and judgement in O.P.No.49/94. dated.14.3.97. The Lower Court have enhanced the land value for Rs.16,000/- to Rs.26,400/- per acre to an extent of Ac.8.00 cts and from Rs.3,000/- to Rs.10,640/- to an extent of Ac.1.29 cts. The Hon'ble Court not allowed interest on enhanced amount of Solatium and Addl.Market Value.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal in A.S.No.1007 and the Hon'ble High Court in CMP No.14609/97 was pleased to grant interim stay subject to condition to deposit 50% of the decretal amount in the reference court. Accordingly, Government have sanctioned and released 1,36,277/- vide G.O.Rt.No.437, dated. 28.5.98. The Hon'ble High Court dismissed the appeal on 17.7.2000. The claimant has also filed appeal in A.S.No.710/97 for further enhancement of land value and the Hon'ble High Court partly allowed the said appeal on 8.3.2000 by modifying the lower court orders that the amount of compensation awarded by the lower court be and hereby is enhanced from Rs.26,400/- to Rs.35,000/- per acre for cultivable dry lands and from Rs.10,640/- to Rs.22,000/- per acre for uncultivable dry land.

3. The Collector & District Magistrate, East Godavari has requested Government to sanction and release an amount of Rs.8,52,106/- towards entire decretal amount to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in LA AS MP Nos.517 & 516 of 2008 in A.S.Nos.1007 & 710 of 1997 filed against O.P.No.49/94. The Chief Commissioner of Land Administration,A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction an amount of Rs.6,47,008/-.

(P.T.O)

4. Government have examined the matter carefully and hereby sanction for an amount of Rs.6,47,008/- (Rupees Six lakhs Forty Seven thousand and Eight only) towards full / final decretal charges to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in LA AS MP Nos.517 & 516 of 2008 in A.S.Nos.1007 & 710 of 1997 filed agsinst O.P.No.49/94., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government / CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deditable to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No. 49/94, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.2941/F.7(A1)/09, dt.3.8.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI  
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The District Collector,East Godavari, Kakinada.

The Spl.Chief Secretary to Govt & CCLA.,A.P.,Hyderabad.

The Engineer-in-Chief(Irr),Errumanzil,Hyderabad.

The Revenue Divisional Officer,Peddapuram,E.G.Dist.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department

Stock File / Spare copies

In the file C.No.24813/L.A.I(A2)/2002

//FORWARDED : : BY ORDER//

SECTION OFFICER